

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison Company (E 3338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.	Application 00-11-038 (Filed November 16, 2000)
Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan (U 39 E).	Application 00-11-056 (Filed November 22, 2000)
Petition of THE UTILITY REFORM NETWORK for Modification of Resolution E-3527.	Application 00-10-028 (Filed October 17, 2000)

**ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE'S RULING  
SHORTENING TIME TO RESPOND TO ANY APPLICATIONS FOR  
REHEARING OF D.02-02-051 AND D.02-02-052**

Decisions (D.) 02-02-051 (the "Rate Agreement" decision) and D.02-02-052 (the "DWR Revenue Requirement" decision) were adopted by the Commission at the meeting of February 21, 2002, and mailed to the parties on February 22, 2002. The decisions construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Pub. Util. Code § 1731, and added Pub. Util. Code § 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing,

applying, or implementing the provisions of AB1X must be filed within 10 days after the date of issuance of the decision. Accordingly, applications for rehearing of D.02-02-051 and D.02-02-052 are due 10 days after the issuance of those decisions.<sup>1</sup> Applications for rehearing of these decisions must be filed by March 4, 2002.

Section 1731(c) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” In order to issue decisions and orders on rehearing of D.02-02-051 and D.02-02-052 within the applicable timeframe, the Commission will need to take up consideration of any applications for rehearing at its regularly scheduled meeting on March 21, 2002.

Pursuant to Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule, responses would not be due until March 19, 2002, two days before the March 21, 2002 Commission meeting. Therefore, so that the Commission may consider responses to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,<sup>2</sup> the time for filing a response to any application for rehearing shall be shortened to March 8, 2002.

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<sup>1</sup> In both decisions, the Commission specifically noted the applicability of § 1731(c), and in particular the 10-day time for filing applications for rehearing.

<sup>2</sup> See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

Accordingly, any party planning to file a response to any application for rehearing that may be filed shall file and serve the response on or before March 8, 2002.

Due to the expedited appellate schedule, any applications for rehearing and responses shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any applications for rehearing and responses shall be electronically served on the following Commission staff: Mary McKenzie (mfm@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to any applications for rehearing of Decisions (D.) 02-02-051 and D.02-02-052 that may be filed shall be shortened. Parties shall file responses on or before March 8, 2002. Any party filing applications for rehearing or responses to such applications shall serve the responses in the manner specified above.

Dated February 25, 2002, at San Francisco, California.

/s/ANGELA K. MINKIN by KKH

Angela K. Minkin  
Assistant Chief  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Assistant Chief Administrative Law Judge's Ruling Shortening Time to Respond to Any Applications for Rehearing of D.02-02-051 and D.02-02-052 on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated February 25, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.